

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 8928	DATE	12/11/2002
CASE TITLE	Financial Management Services, Inc. vs. Coburn Supply Company, et al		

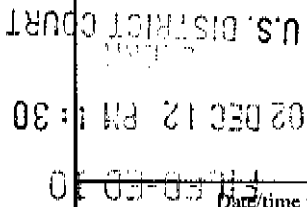

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1) ☐ Filed motion of [ use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due \_\_\_\_\_.
- (3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5) ☒ Status hearing set for 1/22/03 at 9:00 A.M..
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Order. Leave is granted to Financial's counsel to file an appropriate amendment to the Complaint that properly establishes the existence of the total diversity required for nearly two centuries by a filing in this court's chambers on or before December 23, 2002. In the absence of such a filing, this Court will be constrained to dismiss this action for lack of subject matter jurisdiction.
- (11) ☒ [For further detail see order on the reverse side of the original minute order.] order attached to the original minute

No notices required, advised in open court.		number of notices	<b>Document Number</b>  
No notices required.		DEC 13 2002 date docketed	
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		67. docketing deputy initials	
Notified counsel by telephone.		12/13/2002 date mailed notice	
Docketing to mail notices.		SN mailing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
SN	courtroom deputy's initials		
	Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FINANCIAL MANAGEMENT SERVICES, )  
INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
COBURN SUPPLY COMPANY, et al., )  
 )  
Defendants. )

**DOCKETED**

DEC 13 2002

No. 02 C 8928

MEMORANDUM ORDER

Financial Management Services, Inc. ("Financial Management") has filed a complaint against Coburn Supply Company, Inc. ("Coburn") and Lamonte's Heating and Cooling Sales, LLC ("Lamonte's"<sup>1</sup>), seeking to invoke federal subject matter jurisdiction on diversity of citizenship grounds. Because that effort is obviously flawed in one respect, this memorandum order is issued sua sponte to require Financial's counsel to cure the defect if possible.

There is no problem under the allegations of the Complaint as to the requisite amount in controversy under 28 U.S.C. §1332 ("Section 1332"). Where the problem arises instead is in one defective allegation as to the litigants' states of citizenship--not as to Financial (Complaint ¶1) or Coburn (Complaint ¶2), as to each of which the Complaint identifies its

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<sup>1</sup> This name is taken from the case caption, although the text of the Complaint simply refers to "Lamonte" without the "'s."

2

dual corporate citizenship under Section 1332(c)(1), but rather as to Lamonte's.

In that last respect Complaint ¶3 speaks of Lamonte's as "a Louisiana Limited Liability Company having its principal place of business in Mandeville, Louisiana." But it has been firmly established by our Court of Appeals (Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7<sup>th</sup> Cir. 1998) and later cases citing Cosgrove) that the relevant citizenship of every limited liability company is that of each of its members, with the principal place of business being just as irrelevant as the place of the company's formation.

Accordingly leave is granted to Financial's counsel to file an appropriate amendment to the Complaint that properly establishes the existence of the total diversity required for nearly two centuries (Strawbridge v. Curtiss, 7 U.S. (3 Cranch) 267 (1806)) by a filing in this Court's chambers on or before December 23, 2002. In the absence of such a filing, this Court will be constrained to dismiss this action for lack of subject matter jurisdiction.



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Milton I. Shadur  
Senior United States District Judge

Date: December 11, 2002